

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMAZON.COM, INC.,
AMAZON.COM SERVICES LLC, and
CARTIER INTERNATIONAL A.G.,

Plaintiffs,

v.

PHMN9Y3V, PHMN9Y3V JEWELRY,
AMAZING JEWELRY YOU WANT,
VFDNYTU, MIAO-HE, BYQONE US,
BYQONE NETWORK, YINJI, and
DOES 1-10,

Defendants.

CASE NO. C22-840 MJP

ORDER DENYING EX PARTE
MOTION TO CONSOLIDATE

This matter comes before the Court on Plaintiffs' Ex Parte Rule 42 Motion to Consolidate Cases. (Dkt. No. 7.) Having reviewed the Motion, the Complaint in this matter and the Complaint in C22-841 MJP, and all supporting materials, the Court DENIES the Motion without prejudice.

Plaintiffs have filed two separate lawsuits alleging what they assert to be "nearly identical causes of action based on similar fact patterns." (Dkt. No. 7 at 2.) Plaintiffs pursue Lanham Act

1 and Washington Consumer Protection Act claims in both lawsuits, but they assert them against
2 apparently distinct defendants. The cases are C22-840 MJP and C22-841 MJP. Although
3 Plaintiffs chose to file these lawsuits separately, they now ask the Court to consolidate them for
4 all further proceedings.

5 Under Rule 42(a), the Court may consolidate cases that involve common questions of law
6 or fact. Fed. R. Civ. P. 42(a). The Court enjoys broad discretion in making this determination.
7 See Inv'rs Research Co. v. U.S. Dist. Ct. for Cent. Dist. of Cal., 877 F.2d 777, 777 (9th Cir.
8 1989). The Court usually considers several factors in analyzing consolidation, including judicial
9 economy, whether consolidation would expedite resolution of the case, whether separate cases
10 may yield inconsistent results, and the potential prejudice to a party opposing consolidation. See
11 9 Charles Alan Wright & Arthur R. Miller, Federal Practice and Procedure: Civil § 2383 (3rd ed.
12 2020).

13 The Court finds that the question of consolidation is premature at this early stage of the
14 litigation. Having reviewed the Complaints in both cases, the Court is satisfied that the lawsuits
15 share related issues of law and some overlapping facts. Consolidation would help ensure
16 consistent resolution of issues of law. But given that both cases are assigned to the same Judge,
17 the risk of inconsistent legal determinations is slim. Moreover, the cases involve distinct
18 defendants and allegedly improper acts. Given this variation, it unclear whether consolidation
19 would expedite resolution of the cases. And because no defendant has been served and Plaintiffs
20 have moved ex parte, the Court is faced with determining in a vacuum whether consolidation
21 would prejudice the defendants. To this end, the Court is not convinced by Plaintiffs'
22 unsupported assertion that "Defendants will suffer no prejudice by consolidation." (Dkt. No. 7 at
23 4.) That point must be tested once defendants have been served and have an opportunity to
24

1 respond. The Court therefore DENIES the Motion without prejudice. Plaintiffs may renew their
2 request for consolidation after defendants have been served and appeared.

3 The clerk is ordered to provide copies of this order to all counsel.

4 Dated July 7, 2022.

5 

6 Marsha J. Pechman
7 United States Senior District Judge
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24